

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD DUNCAN,

Plaintiff,

v.

CORY LARSON; DAMON GULICK;  
and JANE WILSON,

Defendant.

CASE NO. C11-5090RBL

ORDER

THIS MATTER comes on before the above-entitled court upon Plaintiff's Application to Proceed *In Forma Pauperis* and proposed Complaint. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Plaintiff's Application to Proceed *In Forma Pauperis* is deficient because he does not provide a signed written consent as to recovery. CR 3(b)(2), Local Rules W.D. Wash.

Plaintiff has filed a proposed Complaint under 28 U.S.C. § 1983. To state a claim under 42 U.S.C. § 1983, plaintiff must plead that (1) the defendant is a person acting under color of state law; and (2) defendant's conduct deprived the plaintiff of rights, privileges or immunities secured by the Constitution or the laws of the United States. *See Parratt v. Taylor*, 451 U.S. 527, 535 (1981) (overruled in part on other grounds by *Daniels v. Williams*, 474 U.S. 327 (1986)).

1 Implicit in the second element is a third element of causation. *Mt. Healthy City School Dist. Bd.*  
2 *of Ed. v. Doyle*, 429 U.S. 274, 286-87 (1977).

3 Plaintiff's Complaint does not provide the Court with enough factual information to  
4 determine whether the case has any merit thereby requiring service of the summons and  
5 complaint. It appears that plaintiff is alleging that certain individuals who work for Child  
6 Protective Services "discriminated" against him. It also appears that there may have been some  
7 court hearings resulting in some sort of "agreement" or court order. It is unclear if court  
8 proceedings are concluded. By way of relief, plaintiff seeks "a new and complete investigation."  
9 He also seeks money damages and "that the CPS procedures be reevaluated and changes be  
10 made."

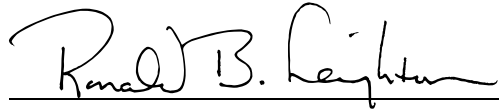
11 Plaintiff shall file with the Clerk a written consent as to recovery within 14 days of entry  
12 of this Order. Plaintiff shall also file within 14 days of entry of this Order an Amended  
13 Complaint setting forth in greater detail who did what to whom and when. He shall also indicate  
14 which of his rights were violated by the actions of the named defendants. He shall also include  
15 in his Amended Complaint what proceedings, if any, occurred in any other court. Plaintiff is  
16 notified that this Court does not have jurisdiction to review decisions of state courts in matters  
17 such as these. To the extent he wants a "do-over" of prior state court proceedings, this Court  
18 cannot provide him with the relief he seeks.

19 Plaintiff is cautioned that the failure to abide by this Order will result in the denial of his  
20 Application to Proceed *In Forma Paupers* and dismissal of his Complaint.

21 **IT IS SO ORDERED.**  
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1 The Clerk shall send uncertified copies of this order to all counsel of record, and to any  
2 party appearing pro se.

3 Dated this 8<sup>th</sup> day of February, 2011.

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6 RONALD B. LEIGHTON  
7 UNITED STATES DISTRICT JUDGE  
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